IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

WEDNESDAY, THE 10TH JANUARY 2007 / 20TH PAUSHA 1928

WP(C).No. 1077 of 2007(C)

PETITIONER:

M.LEELA, WORKING AS ASSISTANT
EXECUTIVE ENGINEER, P.W.D. OFFICE OF THE
EXECUTIVE ENGINEER, P.W.D. ROADS DIVISION,
KOLLAM.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA
SMT.A.KUMARI MINI

RESPONDENTS:

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1. STATE OF KERALA, REP. BY ITS
SECRETARY TO GOVERNMENT, DEPT. OF PUBLIC
WORKS, GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

2. THE CHIEF ENGINEER,
P.W.D. (ADMN)., THIRUVANANTHAPURAM.

3. SAMSON LAWRENCE, ASSISTANT EXECUTIVE
ENGINEER, K.S.T.P., KOTTARAKKARA.

BY GOVT.PLEADER SRI.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J

W.P.(C)NO. 1077 of 2007

Dated this the 10th day of January, 2007

JUDGMENT

The petitioner is one among the Executive Engineers who has been transferred by Ext.P6 order passed by the first respondent from one station to another and in some cases from one district to another. Some of them have been transferred to far away places. It is not a transfer and posting ordered in the wake of promotion of Assistant Engineers or Assistant Executive Engineers in the department.

2. Learned counsel for the petitioner is justified in submitting that this is an untimely order of transfer and almost all those who are included in that order will feel aggrieved, probably, except those who might have been instrumental in provoking the first respondent to issue Ext.P6 at this juncture. The petitioner has expressed her difficulties in passing an order in the nature of Ext.P6 at this point of time because her minor daughter is preparing for an examination and simultaneously studying for Plus Two. The petitioner is a lady and dislocation of this nature will definitely cause inconvenience and hardship to her. Of course, personal inconveniences and hardships may not be good ground to interfere with orders of transfers and

postings because the presumption is that transfers and postings are ordered by the Government in public interest. Rule 32 of KS&SSR confers power on the Government to issue orders of transfer in public interest.

3. It is not apparent on the face of the impugned order whether there existed genuine grounds for passing Ext.P6 in public interest. Prima facie, it appears that the first respondent would have done well atleast by postponing the consideration of the transfers and postings to somebody after the close of the academic year. Government themselves have issued orders by way of guidance to its own subordinate authorities not to disturb the employees in the midst of academic year because the affected persons will be the innocent children. Ordinarily, general transfers and postings are ordered only at the end of the academic year or before the next academic year commences. Hence, there is every reason to feel that the petitioner has been disturbed discarding considerations relevant in the matter of transfers and postings.

3. Respondent No.3 appears to be the person who is to join duty in the place of the petitioner as substitute. One week has elapsed from

the date of issuance of the impugned order. It is possible that the third respondent might have been relieved from the place where he had been working. But for that, I am inclined to grant an interim order staying the operation of Ext.P6 atleast in the case of the petitioner.

The petitioner has chosen to bring her grievance to the notice of the first respondent for immediate reconsideration and granting reliefs. Ext.P7 contains facts and circumstances which necessitated her to approach the first respondent immediately. I have no reason to assume that the first respondent will not look into the facts and circumstances stated in Ext.P7 and do the needful. I, therefore, dispose of the writ petition directing the first respondent to consider Ext.P7, as expeditiously as possible, and pass orders on Ext.P7 within two weeks from the date of receipt of a copy of the judgment.

K.K.DENESAN, JUDGE

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